

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

DAMON MARTIN,
CDCR #V-86685,

Plaintiff,

vs.

M. ESCALANTE, et al.,

Defendants.

Civil No. 10cv2387 MMA (RBB)

ORDER DISMISSING ACTION

On November 18, 2010, Damon Martin (“Plaintiff”), a former state prisoner proceeding pro se, submitted a civil rights Complaint pursuant to 28 U.S.C. § 1983. In addition, Plaintiff filed a Motion to Proceed *In Forma Pauperis* (“IFP”) pursuant to 28 U.S.C. § 1915(a). The Court granted Plaintiff’s Motion to Proceed IFP and sua sponte dismissed his original Complaint for failing to state a claim pursuant to 28 U.S.C. §§ 1915(e)(2)(B) & 1915A(b). *See* Nov. 23, 2010 Order at 7-8.

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1 Plaintiff was granted leave to file an Amended Complaint in order to correct the
2 deficiencies of pleading identified by the Court. *Id.* On December 21, 2010, Plaintiff filed his
3 First Amended Complaint (“FAC”). The Court, once again, conducted the required sua sponte
4 screening and dismissed Plaintiff’s FAC for failing to state a claim. *See* Dec. 29, 2010 Order
5 at 4-5. Plaintiff then filed a Motion requesting appointment of counsel. The Court denied
6 Plaintiff’s request but granted him an extension of time to file a Second Amended Complaint.
7 *See* Feb. 25, 2011 Order at 3.

8 The time permitted by the Court for Plaintiff to comply with the Court’s Orders has since
9 passed and Plaintiff has failed to file any pleadings to comply with the Court’s Orders. Thus,
10 the Court **DISMISSES** this action for all the reasons set forth in the Court’s December 29, 2010
11 Order and for failing to comply with the Court’s February 25, 2011 Order.

12 The Clerk of Court shall enter judgment for the Defendants and close the file.

13 **IT IS SO ORDERED.**

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15 DATED: May 26, 2011



Hon. Michael M. Anello
United States District Judge